

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

Sr. No. 258

CRM-M-5982-2022

Date of decision : 30.05.2022

Sunny Bhardwaj and others

..... Petitioners

VERSUS

State of Punjab and others

..... Respondents

CORAM: HON'BLE MR. JUSTICE DEEPAK SIBAL

Present: Mr.J.S.Thakur, Advocate, for the petitioners.

Mr.Saurav Khurana, DAG, Punjab.

None for respondents No.2 and 3.

DEEPAK SIBAL, J. (ORAL)

The present petition has been filed under Section 482 Cr.P.C. for quashing of FIR No.212 dated 06.09.2020 registered under Sections 323, 324 and 34 IPC (Section 308 IPC added later on) at Police Station Kartarpur, Jalandhar Rural on the basis of a compromise Annexure P-2 entered into between the parties.

On 28.02.2022 this Court had directed the parties to appear before the Illaqa Magistrate/Trial Court for recording of their respective statements with regard to the compromise, who in turn was directed to submit a report along with the recorded statements with regard to the name of the complainant and all accused arrayed in the FIR; whether all of them have appeared and made their respective statements in support of the compromise; whether any of the accused has been declared a proclaimed offender; the stage of the trial/proceedings and whether the compromise is genuine, voluntarily and out of free will.

As directed, report dated 05.05.2022 from the Judicial Magistrate Ist Class, Jalandhar has been received, as per which the parties had recorded their statements before the Trial Court in terms of the compromise arrived at

between them; respondent No.2 is the complainant; only the petitioners are arrayed as accused; the complainant as also all accused have appeared before the Trial Court and made their respective statements in support of the compromise; none of accused has been declared a proclaimed offender; the matter is at the stage of investigation and that the compromise is genuine, voluntarily and out of the free will of the parties.

Learned State counsel has no objection if the present petition is allowed.

In view of the above, continuation of the proceedings in pursuance of the afore-referred FIR in which parties have compromised the matter, would be an abuse of the process of law and in terms of the law laid down by a Full Bench of this Court in *Kulwinder Singh and others Vs. State of Punjab and others*, 2007 (3) RCR (Criminal) 1052, this Court deems it just and proper to allow the petition and resultantly quash FIR No.212 dated 06.09.2020 registered under Sections 323, 324 and 34 IPC (Section 308 IPC added later on) at Police Station Kartarpur, Jalandhar Rural and all proceedings arising therefrom qua the petitioners.

30.05.2022
shamsher

[DEEPAK SIBAL]
JUDGE

Whether speaking/reasoned	:	Yes / No
Whether reportable	:	Yes / No